

12/28/01  
JC962 U.S. PTO

01-09-02

Please type a plus sign (+) inside this box [+]

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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10/04/1040  
JC978 U.S. PTO  
12/28/01

**UTILITY PATENT APPLICATION TRANSMITTAL**  
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 42390.P13767  
(maximum 12 characters)

First Named Inventor Gary Solomon

Title: METHOD AND APPARATUS FOR SIGNALING AN ERROR CONDITION TO AN AGENT NOT EXPECTING A COMPLETION

Express Mail Label No. EL617207650US

ADDRESS TO: **Assistant Commissioner for Patents**  
**Box Patent Application**  
**Washington, D. C. 20231**

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original, and a duplicate for fee processing)
2.  **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3.  **Specification (Total Pages 24)**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  **Drawings(s) (35 USC 113) (Total Sheets 11)**
5.  **Oath or Declaration (Total Pages 5)**
  - a.  Newly Executed (Original or Copy)
  - b.  Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed)
    - i.  **DELETIONS OF INVENTOR(S)** Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
    - c.  Unsigned.
6.  **Application Data Sheet. (37 CFR 1.76)**
7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.  Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & documents(s))  
10.  a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)  
       b. Power of Attorney  
11.  English Translation Document (if applicable)  
12.  a. Information Disclosure Statement (IDS)/PTO-1449  
       b. Copies of IDS Citations  
13.  Preliminary Amendment  
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)  
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)  
16.  Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.  
17.  Other: \_\_\_\_\_

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation       Divisional       Continuation-in-part (CIP)  
Of Prior Application No.: \_\_\_\_\_ Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_  
(which is a  continuation/  divisional/  CIP of prior application no. \_\_\_\_\_,  
which is a  continuation/  divisional/  CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.  
For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that \_\_\_\_\_ (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. \_\_\_\_\_ Frame No. \_\_\_\_\_ (or a copy of which is attached).

19. Correspondence Address

Customer Number or Bar Code Label \_\_\_\_\_  
or \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label here)

Correspondence Address Below

NAME \_\_\_\_\_

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

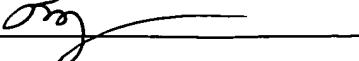
ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-8383

Name (PRINT/TYPE): Michael J. Mallie Registration No.: 36,591

Signature:  Date: December 28, 2001

## FEE TRANSMITTAL FOR FY 2002

TOTAL AMOUNT OF PAYMENT (\$) 740.00

## Complete if Known:

Application No. \_\_\_\_\_

Filing Date December 28, 2001First Named Inventor Gary Solomon

Group Art Unit \_\_\_\_\_

Examiner Name \_\_\_\_\_

Attorney Docket No. 42390.P13767

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
Deposit Account Name \_\_\_\_\_

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:  Check  
 Money Order  
 Other

## FEE CALCULATION

1. BASIC FILING FEE

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee	Fee	Fee
Code	(\$)	Code	(\$)
101	740	201	370
106	330	206	165
107	510	207	255
108	740	208	370
114	160	214	80
		Utility application filing fee	<u>740.00</u>
		Design application filing fee	<u>0</u>
		Plant filing fee	<u>0</u>
		Reissue filing fee	<u>0</u>
		Provisional application filing fee	<u>0</u>

SUBTOTAL (1) \$ 740.002. EXTRA CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	<u>17</u>	<u>- 20** = 0</u>	<u>0</u>
Independent Claims	<u>3</u>	<u>- 3** = 0</u>	<u>0</u>
Multiple Dependent			<u>0</u>

\*\*Or number previously paid, if greater; For Reissues, see below.

## Large Entity Small Entity

<u>Fee</u>	<u>Fee</u>	<u>Fee</u>	<u>Fee</u>	<u>Fee Description</u>
Code	(\$)	Code	(\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0

100-43040-1422301

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

<u>Large Entity</u>	<u>Small Entity</u>			<u>Fee Paid</u>
Fee	Fee	F	Fee	
Code	(\$)	Code	(\$)	
105	130	205	65	Surcharge - late filing fee or late
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for ex parte reexamination
099	8,800	099	8,800	Request for inter partes reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,280	241	640	Petition to revive - unintentional
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Processing fee under 37 CFR 1.17(q)
126	180	126	180	Submission of Information Disclosure Stmt
581	40	581	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	For filing a submission after final rejection (see 37 CFR 1.129(a))
148	110	248	55	Statutory Disclaimer
149	740	249	370	For each additional invention to be examined (see 37 CFR 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application
195	300	195	300	Publication fee for early, voluntary, or normal pub.
196	300	196	300	Publication fee for republication
194	130	194	130	Request for voluntary publication or republication
098	130	098	130	Processing fee under 37 CFR 1.17(i) (except provisionals)
091	1,280	091	1,280	Acceptance of unintentionally delayed claim for priority

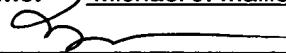
Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 0**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Michael J. Mallie

Signature:  Date: December 28, 2001

Reg. Number: 36,591 Telephone Number: (408) 720-8300

**EXPRESS MAIL CERTIFICATE OF MAILING**

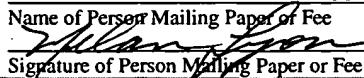
"Express Mail" mailing label number: EL617207650US

Date of Deposit: December 28, 2001

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231.

MELANIE LYONS

Name of Person Mailing Paper or Fee



12-28-01

Signature of Person Mailing Paper or Fee

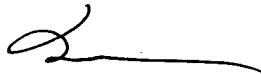
Date Signed

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**First Named Inventor Gary SolomonTitle METHOD AND APPARATUS FOR SIGNALING AN ERROR CONDITION TO AN AGENT NOT EXPECTING A COMPLETIONAttorney Docket No. 42390.P13767

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 28, 2001

Date



Signature

Michael J. Mallie

Typed or Printed Name

36,591

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231